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Congress of the United States House of Representatives

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ON THE CLIMATE CRISIS

February 19, 2021

The Honorable Robert J. Fenton, Jr.
Senior Official Performing the Duties of FEMA Administrator
Federal Emergency Management Agency
500 C Street S.W.
Washington, D.C. 20472

Dear Mr. Fenton,

I write today to urge the Federal Emergency Management Agency (“FEMA”) to include surveillance testing for the novel Coronavirus (“COVID-19”), including use of tests such as BinaxNow rapid antigen tests, as a reimbursable expense under the Public Assistance Program, and to make that reimbursement retroactive for tests already administered.

As States, Tribes, and Territories work to re-open schools, childcare facilities, and other important elements of their economies, surveillance testing is a critical tool to ensure that they are able to do so safely. Colorado has recently started using BinaxNow tests for surveillance testing of students and educators and plans to also expand the use of these tests more broadly to support re-opening efforts within the state. Despite this necessity, surveillance testing of symptomatic and asymptomatic individuals, using tests such as the BinaxNow rapid antigen tests, is not stated as eligible for reimbursement from FEMA.

I encourage you to include surveillance testing, to include tests such as BinaxNow rapid antigen tests for large-scale antigen-based rapid testing for COVID-19, as a reimbursable expense in your forthcoming updated COVID-19 policy to implement President Biden’s February 2nd Memorandum¹ to increase the federal cost-share for COVID-19 related expenses and his January 21st Memorandum directing FEMA to expand activities eligible for reimbursement. The January 21st Memorandum directed that FEMA “make available under Category B of the Public Assistance program such assistance as may be required... to provide for the safe opening and operation of eligible schools, child-care facilities, healthcare facilities, non-congregate shelters, domestic violence shelters, transit systems, and other eligible applicants,”² and surveillance tests are critical to support safe re-opening. In Executive Order 13996 on January 21st, President Biden also stated that FEMA, with the support of other federal agencies, should “provide support for surveillance tests for settings such as schools,”³ exhibiting a desire to expand the coverage of these important tests by the federal government.

¹ [Maximizing Assistance From the Federal Emergency Management Agency to Respond to COVID-19](#), 86 FR 8281. February 5, 2021.

² [Memorandum to Extend Federal Support to Governors’ Use of the National Guard To Respond To COVID-19 and To Increase Reimbursement and Other Assistance Provided to States](#), 86 FR 7481. January 28, 2021.

³ [Establishing the COVID-19 Pandemic Testing Board and Ensuring a Sustainable Public Health Workforce for COVID-19 and Other Biological Threats](#), 86 FR 7197. January 26, 2021.

Without federal reimbursement, purchasing these tests poses a potentially insurmountable financial obstacle for States, Tribes, and Territories working to keep their constituents safe and struggling with budget constraints. The expanded use of surveillance tests will keep Americans safer and support our economy and should therefore be included as an eligible expense for reimbursement in your updated policy.

I understand the immense task before you and FEMA as you work to ensure all communities have the resources they need to combat this crisis, and I appreciate the support you have given to communities all across the country over the past ten months. Thank you for your consideration and I look forward to an immediate response to this important request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Neguse", is positioned above a faint, light blue rectangular stamp.

Joe Neguse
Member of Congress

cc: Nancy Dragani, Acting Regional Administrator, FEMA Region VIII